## THE COURTS.

The Villas on Tarrytown Heights Mere Visionary Fabrics.

A MODERN SARTOR RESARTUS.

An English Draft Proving a Heavy Draft on a Poor Man's Savings.

## MEMENTO OF TOM FIELDS.

The speculation of the Tarrytown Land Company appears to have been a failure, Judging by the suits now pending in the courts. One of these suits, brought by Attorney General to dissolve the company, is now pending in the Supreme Court, and another is one in stituted by the trustees of the company-Joseph Se-Guion-in which a decision was given yesterday by Chief Justice Daly. The story briefly is that in November, 1875, Guion bought from the company fifteen acres of land at \$2,000 an acre, payable in March 1876, for the purpose of building a residence thereon, i 1876, for the purpose of building a residence thereon, it being represented to him that a wealthy class of owners was to build on the adjoining land. In his answer he says that the company bought the lands from Louis Roberts, atterward manager of the company, and other parties, at a gross overvaluation. He now discovers, as he alleges, that there was traud in paying up the capital stock; that their promises were unfulfilled; that the company is insolvent; that the land is heavily mortgaged, and that if he paid the plaintiffs he would have no security against the parties holding mortgages. The case came up on a demurrer by the plaintiffs to this answer. Judge Daly yesterday gave his decision, embodied in the following opinion:—

demurrer by the plaintiffs to this answer. Judge Daly yesterday gave his decision, embodied in the following opinion:—

The domurrer to the defendant's answer should be overruled. The three several matters set up in the answer are available as defences, in my judgment, in this action. First, fraudulently representing to the delendant that the capital stock of the company of \$1,000,000 was all paid in and that it was the intention of the company to improve and greatly adorn the lands, so as to attract thither a class of purchasers to puid elegant residences thereon, and thereby greatly enhance the value of the fifteen acres purchased by the defendant, the fact being that the capital stock was made up of land valued at \$1,000,000, the actual value of which was little more than one-third of that amount. Second, that the transfer of all the property of the corporation to the defendant as trustee under the circumstances and in the manner described in the answer was a transfer which the corporation had not authority to make, as it was giving the entire control of its corporation effects to a board of trustees. Third, that if the defendant paid this amount to the plaintiffs there would be no security against his liability to pay it over again to the owners of the mortgages, as the company is wholly insolvent and its gdarantee against said mortgages is now worthless; and that defendant is entitled to the discharge of the mortgages with which his property is now encumbered. To assign the reasons for the conclusion that I have arrived at would never the preparation of a very long opinion in a detailed exposition of the facts will be accurately ascertained in all their details, when the rules and principles by which they are to be governed can be more pertinently applied.

SUIT FOR A SUIT. .

Notwithstanding the general impression that gentle-men of the sartorial profession frequently find great difficulty in collecting their bills, and in fact are often most egregiously swindled by their customers, it is ict debtors. An exceptional case was a suit brought in the Supreme Court against Peter Crystal to collect bill of \$75 for a suit of clothes made for Crystal by Measrs. Pottis & Curtis. The bill, however, bad been as signed to Henry Thompson, and the latter brought the it, which was tried yesterday before Judge Lawrence. On Crystal complaining that the suit-did not fit him, the in the garments likely to pacify him into their acceptance. Crystal was still dissatisfied and sent them back with the message or words to that effect them back with the message or words to that effect,

minif fit. On the trial yesterday, after the plaintiff's
side of the story had been told, the defendant was
placed on the witness stand.

"You selected the cloth, did you not?" asked the opposing counsel in the course of his cross-examination.

"I did," answered Crystal.

"So there was no fault in this respect?"

"Not the slightest,"

"You gave directions how to cut the garments?"

"I did."

You found fault with their not fitting?"

"Yes, Sir."
"Were you not sick when the suit was ordered and did you not gain eleven pounds between the time they were cut and sent to you?"

"I will try them on, and then the jury can judge whether they fit or not."

"By all means," interrupted Crystal's counsel. Let him try them on and show himselt to the jury. That will be the best test of the meris of this suit."

"Which suit?" asked the plaintiff's counsel.

"Both suits," answered the defendant's lawyer.

While those present were langhing at this exhibition of legal repartee the defendant withdraw behind the lail boars screen back of the jury box and speedily donned the suit in controversy. "All accoutered as he was" he exhibited himself to the jury, giving them first a front view and then a rear view and then side views. He then pulled at one legand then at the other, and then pulled down his vest, by his manner mutely imploring the jury, but as effectually as if he had given interance to the rhythm, but slightly changed, of childhood's memory:—

View me with a critic's eye,
Don't pass my imperiections by.
The result had its effect. The jury promptly gave a UNFORTUNATE DRAFT PURCHASE.

The Superior Court, Part 3, have been engaged for validity of bills of exchange drawn in cipher, and also a question of agency, the full facts of which were pubhabed exclusively in the HERALD in November, 1875. In August, 1875, Samuel Joynson, desiring to return to England, cailed at a shipping house in Boston for the purpose or purchasing a draft. He was, as he says, entirely unacquainted with the nature of bills of exparties to such instruments. He purchased a draft of M. S. Creagh, and paid \$2,900 for it, being all he had in the world, for which he re-ceived a bill of exchange for £519, drawn on Edward W. Yates & Co., of No. 37 Castle street, Liverpool, England. On presenting his draft in Liverpool

Edward W. Yates & Co., of No. 37 Castle street, Liverpool, England. On presenting his draft in Liverpool Mr. Joynson was informed that the drawers had no personal account with Cressin, but that the letters "C. B. R. & B.," to whose account it was to be charged, represented a firm of private bankers in New York by the name of C. B. Richard & Boas. Mr. Joynson inding himself in distress knew no other mode of redress than to return to New York to seek the payment of his draft-from C. B. Richard & Boas. Selling his own and his wife's clothes he managed to raise the means of returning to New York, and found the banking house of C. B. Richard & Boas. They refused to pay the draft, a.though they admitted that they had received the \$2,000 paid to Creagh, but they had received the \$2,000 paid to Creagh, but they had received the \$2,000 paid to Creagh, but they had received the \$2,000 paid to Creagh, but they had received the \$2,000 paid to Creagh, but they had received the \$2,000 paid to Creagh, but they had received the money on their own account against Creagh, who in the meantime had abscended to parts unknown. Joynson lanied to see the soundness of such advice, and called opon legal counsel. Suit was brought against G. B. Richard & Boas on two grounds—first, for money had and received to pishtiff's use, and second, on the ground that Creagh, although against G. B. Richard & Boas on two grounds—first, for money had and received to pishtiff's use, and second, on the ground that Creagh, although against of What and the second of the secon

TOM FIELDS' SURETIES.

When Thomas C. Fields got into his little difficulty. entiminating to his present foreign sojourn, he induced t is two friends, William H. Florence and Hawley D. selves accommonly hable in this way from simple mo-

tives of love and affection. Fields promised to indemnity them against any loss should be see it to fail in putting it an appearance for trial. Fields took, as all know, a rather hasty departure from the accuses here where he had been so long and familiarly known, but after his arrival in Cuba sent back a trust deed of his elegant manson with its spacious environing grounds on the Boulevard, for which he is said to have paid in the palmy days when money was flush with him the round sum of \$25,060. This recemed all wery fair on the part of the logitive Fields, but his friends Florence and Clapp were slightly disgusted when they afterward discovered that he had executed a full warranty deed of his stately suburban manison to Mrs. Jane Kerr, and in the Mutual Life Insurance Company. The acme of their disgust, however, was on a judgment reneered against them for \$8,648 66 deficiency in the sale under loreclosure proceedings. Application was made to Judge Barrett to set aside this judgment for deficiency. A decision was given in the case yesterday. Judge Barrett holds that a case for relief is clearly made out and deficiency.

JUVENILE GUARDIAN SOCIETY.

The recent examination made by Theodore Roosevelt, Henry L. Roguet and Josephine Shaw Lowell, a amittee of the State Board of Charities, into the condition of the Juvenile Guardian Society, the result of whose investigations have already been published in the HERALD, has had the effect which it was generin the Herald, has had the effect which it was generally anticipated would ensue upon such investigations. Instead of getting the benefit of \$10,000 asked for from the Board of Apportionment the society gets the benefit of a suit brought by the Attorney General for its dissolution. Mr. Francis C. Barlow, as a representative of the Attorney General, submitted a petition yesterday to Judge Donohue, in Supreme Court, Chambers, asking permission to bring such sait. Accompanying the polition was an asstract of the testimony taken before the committee named above, to ether with the affidavit of Edward D. Betten, in his affidavit Mr. Betten states that upon investigation in the Register's office he had discovered three mortgages upon the building of the society at No. 101 St. Mark's place. He states further that no certificate of incorporation, as required by law, has ever been filed in the Gounty Clerk's Office, and that the only document filed in regard to the society is one filed in 1873, in which the assets of the society are stated at \$40,722 48 and its liabilities \$33,500 Upon these papers Judge Donohue granted the petition, and the probability is that the suit will be prosecuted without delay.

A LAWYER'S DIVORCE SUIT.

Samuel Cardwell, Jr., a young lawyer, has brought a suit for divorce, on the ground of adultery, against his wife, Elia A. Cardwell. The parties were married in this city some six years ago and lived together until May last. A motion was made yesterday before Judge Donohue, in Supremo Court, Chambers, by Mr. Brennemer, counsel for the detendant, to strike out certain portions of the complaint because of the incertain portions of the complaint because of the indefiniteness of the specifications, it being alleged
that there was lack of particularity as to the times,
places, circumstances and names of parties with
whom the defendant is charged with committing additery. Mr. Samuel G. Courtney, who appeared
on behalf of the plaintiff, read the complaint, which he claimed was sufficiently
explicit in allegation of the charges upon
which a decree of divorce is sought. He said, however, that one of the allegations, being general in its
character, he was willing to have stricken out providing he could be allowed to amend his complaint by inserting a charge of additory committed since the
bringing of the suit. Mr. Courtney stated that the
summons was served on the delondant as she was
leaving a house of prostitution in West Fourth street.
He also commented on the fact that the motion was
made, not on any affidavit of the detendant, but of her
lawyer and hits simple averment that he cannot frame
an answer properly meeting the allegations contained
in the complaint.

TAXING NATIONAL BANKS.

Through erroneous indorsement of the papers it was reported in yesterday's HERALD that a dec'slop had been given, in the United States Supreme Court, in the suit of the Tradesmen's Bank against the Tax Commissioners. The decision was in the Court of Appeals, though, from the present aspect of the case, it is no unlikely it may reach our chief judicial tribunal in unlikely it may reach our chief judicial tribunal in Washington. As will be remembered, the Supreme Court, General Term, of this district decided in favor of the bank, all the judges concurring. The Court of Appeals has now reversed this decision, Judge Miller writing the opinion, and Judge Allen, formerly Comptrolier of the State, dissenting, Judges Andrews and Rapadlo not voting. The question involved in the suit being whether a double tax can be imposed upon banks is one of very great importance to all our banking institutions. Mr. Horace Barnard, counsel for the bank, says that the case is in no way dependent upon or decided by that of the Galiant Bank vs. The Tax Commissioners, just decided by the United States Supreme Court, and that such decision presents no barriers to an appeal.

SUMMARY OF LAW CASES.

In the suit for assault and battery, brought in the Luthey, to recover \$2,000 damages, the particulars of which have already appeared in the Herald, a verdict was rendered yesterday in layor of plaintiff

A young man with the musical name of Mendel hu, of the age of twenty-lour years, was married yesterday, in conformity with the statute, by Judge McAdam, of the Marine Court, to Eva Simon, aged twenty-one years.

A suit to determine the much litigated question courts were to go out with the Justice who appointed them came before Judge J. F. Daly, in the Common Clancy in the Second District Court as clerk in 1873 and a successor appointed in January last. The plaintiff claims he was to hold for six years. The Court de cided against him, although he proffered his services

ntinuously.
William Kinsley, the purser of the steamship City of Richmond, who was arrested by the United States authorities on a charge of smuggling, the alleged

authorities on a charge of smuggling, the alleged offence having been committed four years ago, was yesterday taken before Commissioner Osobra for examination. There being no evidence against him he was discharged.

In the Emma Mine suit yesterday Mr. Park, the dendant, was recalled to the stand. His examination was finally closed after many recalls. The other defendant, H. H. Baxter, was then called to the stand, his testimony being mainly corroborative of that of his co-detendant. The case stands adjourned till Monday morning.

chief Justice Daly has rendered a decision in the case of George E. Coilln against George Hellman and others, in which he holds that on a verbal promise given on good consideration to extend the time of payment of a merginge to one who has assumed the mortage, the original mortigagor is released from liability. The defendant Hellman, who was the original mortage; the original mortage; the original mortage; the defendant Hellman, who was the original mortage; or the section, sold the property, and the purchaser paid off one of the mortgages octore it was due, and the plaintiff, as the purchaser, a married woman, says, consented upon her solicitation to be lenient with her about the other mortgages. This being so the Court holds that the purchaser became the principal debtor, and the defendant Helfman stood in the relation of surety, and as, for a good consideration, one mortgage was paid before it was due and the time for the payment of the others extended, Mr. Helfman was released from liability as a surety.

Philip Ferdmand Koubi and Edward Bait, composing the firm of Kobb & Bail, auctioneers, at Nos. 87 and 89 Leonard street, brought an action in the Supreme Court against A. Velion for recovery of 2847-84, claimed to be due them upon three promissory notes, made by one H. Alomsdorf and indersed by the desirability. The action came up for trail yeste day in the Circuit Court, in Part I, before Judge Lawrence and a Jury, and came to a rather sudden determination—upon a motion made by Mr. Jacob P. Soiomon, attorney for the defendant, to damies the complaint on the ground that the plaintiffs had inted to prove the mailing or service of notice of protest to the defendant; but the Court, in order to enable the plaintiffs to furnish proof day morning.
Chief Justice Daly has rendered a decision in the

a motion made by Mr. Jacob P. Solomon, attorney for the defendant, to diamins the complaint on the ground that the plaintills had failed to prove the mailing or service of notice of protest to the defendant; but the Court, in order to enable the plaintills to turnish proof if possible, ordered a juror withdrawn and the case to stand over. Mr. George C. Kobbi appeared for plaintills and Mr. J. P. Solomon for detendant.

The suit of Adam Reedeger against Zachariah E. Simmons, for \$11,000, growing out of lottery transactions, which would have been \$22,000 if doubled under the Gambing act, was argued yesterday belore Chief Justice Daly in the Court of Common Pleas. Reedeger got judgment for \$577.88. Meanwhine Robert Van Kousker got a judgment against Roedeger for \$207, in which a receiver was appointed. The receiver applies for a payment out of Roedeger's judgment against Simmous, which has been handed into Court. Heury L. Cinnton, Roedeger's counses, has also presented a claim against him. Roedeger swears that he burgained to pay Mr. Chinon \$3,000 if he got \$22,000 judgment, and \$500 retainer, and that he has plad him \$450 and \$200 expenses, which mouse was borrowed from Van Kosk, whom he wants to see paid. Mr. Clinton says he simply insisted on \$500 rotainer, of which Roedeger owes him \$50, and \$50 expenses be sides. The case occupied ten days, and on all he claims about \$1,000 as lair compensation for his services. Judge Daly took the papers, reserving his decision. In the Supreme Court, before Judge Van Brunt, there was tried yesterday a suit brought by isaac Baer & Sons against L. Levey to recover \$1,000, on an alleged guarantee was given upon condition of a sour months's credit to the defendant a brother. The note at maturity not being paid the paintills' testimony the guarantee was given upon condition of a sour months's credit to the defendant of poons and three months. Upon detendant's motion the complaint was demissed, the Court holding that the hiability of the guaranter was released by the extension of

these were the officers who made serious charges before the Legislative Investigating Committee against Chief Clerk Hawley, of the Police Department.

DECISIONS.

SUPREME COURT-CHAMBERS.

SUPREME COURT—CHAMBERS.

By Judge Bariett.

Goldman vs. Goldman.—On this certificate the report is now confirmed and judgment of divorce granted; custedy of the children awarded to the piniotiff.

Tradesman's National Bank vs. Kalbfielsch.—Motion for leave to include costs in the judgment deniel.

By Judge Brady.

In the matter of Hatten.—Order settled.

By Judge Donohue.

In the matter of Ferris—Isancs vs. McCunn—In the matter of the application of the Attorney General for leave to bring an action to dissolve the Juvenile Guardian Society—Granted.

In the matter of Boyle—Denied; Judge Barrett has disposed of it.

Smith vs. Rowe; New York Life Insurance Company vs. Russeli (two actions); Wright vs. Schell; White vs. McCoot; Falk vs. Jackson: In the matter of Harlow.—Granted.

Frishe vs. Young —Motion granted.

Livermore vs. Gould.—Order granted.

Lewis vs. Krone; in the matter of Freeborn; Browning vs. Van Buren.—Motions denied.

Taibot vs. De Witt.—Dismissed.

Boil's Head Bank vs. Clement.—Receiver's bond approved.

In the matter of Hyatt.—What is the payment for?

proved.

In the matter of Hyatt, —What is the payment for?
In the matter of McCrane. —I desire to see counsel.
Lowenthal vs. Ward. —Motion granted on payment of inquest and motion costs.

SUPREME COURT-SPECIAL TERM.

By Judge Barrett, Biddleman vs. Kittredge.—Findings settled and Davidson and another vs. Alfaro and others.—A copy

Davidson and another vs. Alfaro and others.—A copy of these findings may be served upon the opposite party, with notice of settlement for Tuesday, the 17th inst., at hall-past ten A. M.

Prouty vs. Switt and others.—Findings signed, but without any extra allowance. As the General Term has fully passed upon the merits I do not feel justified in ordering a stay.

Weir vs. Vall.—I have made up my mind as to the matters which were not determined in this case, and if counsel will attend below me at Circuit, Part 2, on the 17th inst, at eleven A. M., I will state the conclusions at which I have arrived, and I will then go over the findings with them and settle one or two detaits which are not as yet quite clear to me.

By Judge Van Vorst.

Bernheimer vs. Willis.—The proposed amendments to the case are not with the papers, and should be handed up.

Clancy vs. O'Gara and others.—The attorneys, Messrs. Devlin and Miller, are entitled to cosis up to the time of trial. To that extent motion granted.

Earle vs. Hoffman and another.—Judgment for plaintiff. Opinion.

By Chief Justice Daly.
Coffin vs. Hoffman; Seligman va. Guton.—See opinions.
Graham vs. The Sterling Fire Insurance Company.—
Order entered.
Ruckman vs. Clark.—Extra allowance of five per

cent.
Mary Nachman vs. Gottfried Nachman. - Divorce In the matter of Silver, &c. - Decree settled.

MARINE COURT-CHAMBERS.

By Judge Sinnott.

Harry vs. Morrange.—Order of reference granted.

Torrithon vs. Leonard.—Motion granted.

Bowery National Bank vs. Hildebrand.—Motion to
open default granted.

Baldwin vs. Adams.—Order amending judgment roll

nunc pro tune.

Curiey vs. Shine; Aying vs. Phillips; Smith vs. The Curley vs. Shine; Ayling vs. Phillips; Smith vs. The Morning Star Union Mission; McQuade vs. McCaffrey; McLaughlin vs. Hutchins; Totten vs. Johnson; Stern vs. Smith; Strickland vs. Glines; Kimler vs. Donnell; Elis vs. Winchester; Warmuth vs. Beth; The Graphic Company vs. Campbell; Rosen vs. Trelei; Silverstone vs. Jucobs; Boyd vs. Enlers; Silv vs. Reil; Wagner vs. Mendelsohn; Kleinknecht vs. Silz; Emery vs. Johnson; Abeel vs. Smith; McCauley vs. Meyer; Downing vs. Reegan; Seaman vs. Leshef; Fiold vs. Rosen; Doisen vs. Griffith; Macy vs. Mncy.—Orders granted and ontered. sen vs. Griffith; Macy vs. Macy.—Orders grante ontered. Kappa vs. McCann.—Judgment for defendant.

GENERAL SESSIONS-PART 1. Before Recorder Hackett. A BOLD THIEF.

Mr. A. B. Dunning, an ex-member of the Penusylvania Legislature, was stopping at the Merchants Hotel in this city on the morning of the 12th inst. He awoke to find a powerful looking fellow in his room in the act of rifling his clothes and about to appropriate his gold watch. Mr. Dunning grappled with his visitor, but, as he was suffering from rheumatism, he found that the thief was getting the better of him, and that despite his exertious he could not hold him. He cried out lustily to stop the thief, and as the man, who happened to be James Dempsey descended the stairs, Mr. George Schenck, a brother of the proprietor, collared him, intimating that if he made any resistance his stay in this sphere would not be of long duration. A police officer was promptly summoned, Dempsey was taken before Justice Kilbreth and held in \$1,000 bail. On Thursday he was indicted, and yesterday morning he pleaded guilty, so that almost within the space of twenty-lour hours Mr. Dempsey's interests were attended to. The Recorder sent him to the State Prison for the term of two years and six months at hard labor. found that the thief was getting the better of him, and that the early the exercisors he could not hold him. He cried out listify to stop the their, and as the man, who happened to be James Dempsey descended the stairs. Mr. Georgs Schenck, a brother of the proprietor, collared him, intimating that if he made any reastance has taken beine Joseph was taken beine Joseph was taken beine Joseph had not be of long duration. A police officer was promptly summoned, Dempsey was taken beine Justice Kilbreth and held in \$1,000 bail. On Thursday he was indicted, and yesterday morbing he pleaded guilty, so that almost within the space of twenty-lour hours Mr. Dempsey's interests were attended to. The Recorder sent him to the State Prison for the term of two years and six months at hard labor.

A DIME NOVEL ASSAULT.

The true rule undoubtedly is this which was suggested by me in my decision is that it makes no discrimination in lavor of two years and six months at the contest in good laith. The particular hardship looks after a two other lads, named Jones and 272 Eighth avenue, had been reading cheap and dangerous literature, the result being a conspiracy to a take their employer, who, while he was sitting in his store, was hit with a the law group of the decision of the General Term will be result being the case of the decision of the General Term will be result being the date of the decision of the General Term will be result being the date of the decision of the General Term will be result being the date of the decision of the General Term will be result being the date of the decision of the General Term will be result being the date of the decision of the General Term will be result being the date of the decision of the General Term will be result be

Charles Wilson, of No. 524 West Twenty-fourth street, who proke into the bakery of Michael Keiser, No. 391 Second avenue, on the 7th inst., and who was promptly arrested by Officer Thomas Muliry, of the Eighteenth precinct, pleaded guilty to the charge and

Eighteenth precinct, pleaded guilty to the charge and was sentenced to five years in the State Prison.

Dominico Leisette, an Italian, who was charged with assaurting, in Mulberry street, Mary E. Wilson, a destitute domestic servant, pleaded guilty and was sent to the Penitentiary for one year.

John O'Brien was arraigned on the charge of breaking into the premises of Mrs. Ann Quigg. No. 198 avenue B, on the 3d inst., and stealing ciothing valued at \$91. The prisoner was placed on trial, lound guilty and sentences to three years' imprisonment.

GENERAL SESSIONS-PART 2. Before Judge Sutherland.

UTTERING COUNTERFAIT BONDS. Cyrus G. Clark was arraigned for trial charged with Company, Assistant District Attorney Lyon opening the case. The prisoner, he said, had some time ago an account in the East River Bank which he had overdrawn. On the 25th of January last he presented himas he was going into the business of vulcanizing wood. He further said that he had twenty-one bonds wood. He further said that he had twenty-one bonds of \$1,000 each of the Central Pacific Railroad Company which he would place as collateral. It was intimated to him that the loan would be passed, and he received \$950, being part of a loin of \$12,000. The prisoner gave a check for his overdrawn account, and also a stock note for \$12,000. It was further agreed that Clark was to be allowed to draw on the conds to the extent of ninety per cent on their lace value. These bonds were represented to belong to parties who were interested with Clark in the proposed company, of which Clark was to be treasured. The prisoner was arrested the next day at the Grand Central Hotel. Assistant District Attorney kollins called several witnesses for the present of the Central Pacific Railroad Company, who proved the bonds to be forgeries; Mr. Charles Jerkins, president of the East River Bank, who testined as to the negotiations with the prisoner as to the loan. For the deence Mr. John O. Mott produced several witnesses as to character, and finally examined the prisoner who stated that at the time he presented the bonds he did not know they were forged. He was subjected to a raking cross-examination by Mr. Rolins, to whom he stated he lound the bonds in Nassau street, in the beginning of January, and that, obtaining no anse er to an advertisement for an owner, he finally concluded to take a loan of the bonds to carry on the business of valcanizing wood. The further hearing of the case was adjourned till Monday.

A CONFIDENCE GAME. A few evenings ago Orrin F. Ruggles, of Tioga, Pa. was go ng to Providence on the steamer Rhode Island, when he was accosted in a friendly way by Edward Nesbitt, alms Adams, who happened, he said, to be resolts, since Adams, who happened, he said, to be travelling in the same direction. He told Ruggles that he had a larke quantity of merchandise on board, upon which he dearned to pay some incidental excesses, but that he had nothing but gold pieces. He induced Ruggles to give him \$45 for fifteen of these pieces, which, of course, were spurious. The prisoner was subsequently arrested by Sergeant Gastin, of the retambout squad, and was sent to the State Prison for two years and six months.

AN OLD OFFENDER.

Mary Leonard, an old and dextorous pickpocket, pleaded guilty to the charge of stealing \$1 from the person of Mary Guerdon and was sent to the State Prison for one year.

LEON LEWIS' RARE BOOKS. Counsellor C. H. Philps made application yesterday Gilbert, for a bill of particulars in the suit of Leon Lewis, of Penn Yan, sgainst his chents, J. Sabin & Co., book dealers, of No. 84 Massau street, this city.

The complaint alleges that during the months of June and October, 1876, the plaintiff sent \$10,000 worth of rare books to the firm of Sabin & Co. and that the detendants refuse to enter an account for the same. The application was granted conditionally.

THE ALDINE COMPANY'S SUIT.

In the case of the Aldine Publishing Compan against the North American Insurance Company, or trial in the Kings County Supreme Court, before Just tice Pratt, the jury year-rang returned a verdict in favor of the Aidune Publishing Company for the full amount claimed. It is understood that the North American Company intend carrying the case to the Court of Appeals. There are about thirty other insurance companies from which the Aidine Company intend getting damages on the same grounds.

COURT OF APPEALS.

ALBANY, April 13, 1877. In Court of Appeals, Friday, April 13, 1877. Pres ent-Sandford E. Church, Chief Justice, and asso

No. 248. Henry E. Robinson, respondent, vs. S. Chittenden and others, appellants.—Argument resumed and concluded.

No. 148. Samuel C. Steele and another, respondents, vs. Scott Lord, appellant.—Argues by Francis Kernan for appellant, Oscar Craig for respondents.

No. 271. William F. Cameron and another, respondents, vs. Robert Seaman and another, appellants.—Argued by Samuel Hand for appellants, C. F. Brown tor respondents.

No. 283. Bartholomew Lynch and another, appellants, vs. Dewatt Gardner and another, respondents.—Argued by J. A. Hatthway for appellants, Albertus Perry for respondents.

CALENDAR.

The following is the day calendar for Monday, April 16:—Nos. 267, 263, 264, 266, 260, 112, 300 55, 301.

LAWYER VS. ORPHAN.

SURROGATE CALVIN ON THE RECENT DECISION AS TO COSTS IN WILL CASES-WHERE IT MAY WORK HARDSHIP.

According to a decision of the General Term of the Supreme Court, published exclusively in Wegnesday's HERALD, the Surrogate cannot allow costs to the de feated party in a will contest. The decision is intended to guard widows and orphans from the extertions of awyers, who are always ready to contest wills, knowing that if defeated their fees would come out of the state. The decision arose out of the contest over the will of Eliza Hearsey. The late Surrogate Hutchings found against the contestants, but allowed \$3,000 in lieu of costs to their counsel out of the estate. The case will be carried to the Court of Appeals. It being important to know what the present Surrogate, Mr. Caivin, thought of the decision, a HERALD reporter called on that official yesterday.

THE SURROGATE'S VIEWS.

Mr. Caivin, in reply to a question, said that this de cision was contrary to the uniform practice of the Surrogate's Court, and, as he understood it, contrary to the practice recognized by the Court of Appenis. In the case of Clapp vs. Fullerton, 34th New York, 190, the Court of Appeals affirmed the judgment of the General Term, which affirmed the decision of the Surrogate of Washington county, but directed costs of both parties to be paid from the estate. In the case of Dupuy vs. Woertz, 53d New York, 556, which was an appeal from the judgment of the General Term of this district, the Court affirmed a decree of the Surrogate of this county. Juage Rapallo, writing

ortion in the contestants are not free from difficulty, and have been presented out he part of the contestants in good faith. They have been argued in this court with great learning and ability, and are carefully and ably treated in the opinion of the learned Surrogate. We think that the contestants were justified in raising the question, and that, under all the circumstances, the coats of all parties in this court and the courts below should be paid out of the estate."

the estate."

THE HEARBRY CASE ALLOWANCE.

The learned Presiding Justice of the General Term, in the case of Hearsey, toward the close of his opinion uses this language:—"We do not mean by this suggestion to indicate that the will in this case with interest that the contestants had probable cause to resist the probate of the will propounded, and that their contest was in all respects fairly conducted." With regard to this case and the question it has excited Surrogate Caivin said:—

"It is conceded on all hands that the Surrogate has power to grant allowances to successful parties. As

spected as controlling the action of this Court, unless it shall be reversed on appeal. Personally and officially the affirmance of the decision of the General Term would relieve me of an embarrassing and delicate responsibility, and I shall most cheerfully acquiesce in the interpretation of the act of 1870, though I entertain very little doubt that the act in question was intended by the Legislature to authorize allowances to any and all parties in any proceeding in this Court in the discretion of the Surregate.

THE WATCHMAN HOMICIDE.

ACQUITTAL OF DENNIS RYEE, CHARGED WITH THE MURDER OF PATRICK TAFT.

At the opening of the Oyer and Terminer at No Hempstead yesterday morning, before proceeding to sum up for the defence in the case of Dennis Ryer, on trial for the homicide of Patrick Talt, Judge Busteed, his counsel, made a motion to reopen the case for the admission of material testimony on behalf of his client, some of which had been discovered since the adjournment of the Court on the previous evening. Busteed went on with his address to the Mr. Busteed went on with his address to the jury, during the delivery of which Ryer's will and slater sat by him much affected. The points of the argument and the analysis of the testimony were intended to show that Ryer could not have been and was not guilty of the killing of Talt, but that the shooting was entirely accidental. Mr. Busteed occupied about two and a quarter hours. District Attorney Downing, in summing up for the prosecution, combated the idea that the shooting was accidental, or could have been so under the circumstances as discissed in the testimony, and contended that guilt was proved by the last that the shooting was concaled or not disclosed by the prisoner for several hours after it took place. His address occupied over an hour, Judge Bargard's charge was brief, clear and merely covered the points of law governing the case.

The jury retired at a quarter past two, and returned into court at a quarter before four, with a verdest of "Not guilty." The prisoner, as well as his wife and sister, and his immediate friends, a number of whom were in court, were much affected at the recuit of the trial, which was generally expected by those who were present during its continuance. It was thought by some that there might be a compromise verdict of manifagater in the louth degree, and it is understood that the utmost expected by the District Attorney was a conviction for the third degree, but in its intentional guilt in any degree. jury, during the delivery of which Ryer's wife

A SENORITA ASSAULTED.

Egyptian Hall, in East Thirty-lourth street, was the scene of a feminine quarrel on the night of the 10th inst. between Senorita Marcia and Miss Eva St. Clair, owing to some rivalry on the boards. The Senorita, as is alleged, on the evening of the 10th, after the performance, called her fellow worker in the theatrical line uncompilmentary names before members of the company. This the latter so tily brooked that she made an assault on the Senorita, and struck that lady with her fists. The Senorita then made compaint at the Fitty-seventh Street Court, and the parties interested, together with the manager of the place and abother male friend, appeared before Judge Bixby yester by. The Senorita is the larger of the two women. The assaulted lady looked fiercely out of her black eyes as she told of the insuit she had received. And as fercoly did the light blue eyes of Miss St. Clair look deliance at the complianant as she told the Judge it was impossible to keep the peace when treated to linguistic abuse. The Senorica at last, by advice of the Judge, withdrew, together with Miss St. Clair, to a private room, accompanied by the two male escorts. In a few moments they returned, an apology was made in court to the complainant and the energy was dismissed. ance, called her fellow worker in the theatrical line

MURDER OR APOPLEXY?

Edward McDermot, employed as a stab eman at the Blissville cow stables, Long Island, was found dead, in a stall in the stable, on Thursday allervoon. The head and nock of the deceased when found were terribly DISPENSING DEATH.

HOW "ACCIDENTS" HAPPEN IN APOTHECARY SHOPS. Do you ever think, when you hand a prescript

over your spothecary's counter to have it compounded, that he is liable to "put it up" wrong? Do you realize that he may give you double the weight of some poisonous drug like alropia, arsenic, aconite or strychnia? You ought to appreciate this if you do not, for these is exceedingly small. One-littleth of a grain of acouste, for instance, has produced death. Atropia is never a grain, and generally the dose is much smaller. How frequently are we compelled to have a prescription prepared at night from drugs kept side by side upon the shelves, and that the druggust reaches for almost in the dark, for often all the light he has is the flickering flame of a candle. Mistakes frequently astonish the denizens of the neighborhood but seldom go any further; the physician as a rule aiding the pharmacist to "hush them up," which is easily accomplished by the aid of an "intelligent" Coroner's jury, who gives a verdict probably censuring the proprietor and advising the discharge of the clerk, and the public hears no more of it. The proprietors of pharmacies have been frequently interviewed, and their version of the cause f "accidents" has been given to the public at large through the columns of the HERALD. The proprietors have invariably blamed the clerks for all "accidents," some attributing it to carclessness and others to the incompetency of their several clerks. Recently the writer called upon several clerks employed in large pharmacies through the city for the purpose of ascer-taining their opinion as to the cause of "m stakes" in ounding drugs. The first gentleman called upor is the chief cierk to a large drug store situated on Third man. After the writer had stated the object of his visit and asked for any information he might choose to impart to the public through the HERALD, he said :-HOW "MISPAKES" OCCUR.

"It would be very difficult to always determine the cause of a mistake in putting up a prescription, but, as far as I know, it is always due to carelessness. For my part I don't believe I ever made a mistake in my life without I had my mind on something else, but, as enough to discover all my serious mistakes before the prescription left the store. When a man sleeps in the store and gets up in the night to put up a prescription he is more mable to make a mistake than at any other

he is more mable to make a mistake than at any other time."

"How do you account for that?"

"Woil, you see a man that sleeps in a store gets up and opens the store every morning at an o'check. He hardly has time to eat his means, and is obliged, in a busy store like this, to stand on his feet all day. It he is not waiting on customers he is doing some storowork, putting up preparations for the store, or the like, and when night comes ne is pretty tired and feets like sleeping. He don't get to bed until hall-past eleven o'clock, either, that being the time we sunt up in this store. When he gets to bed he is, as a general thing, roug up several times before next morning, and that thing is kept up from one year's end to the other. Car conductors are all the time blowing about their work. Why, they don't begin to work like us fellows, and they, as a ruie, get more money than we do. When I slept in the store it very nearly killed me standing up for seventeen hours. That young man there that sleeps in the store how is very nearly played out. We are expected to be educated, and receive a smalier compensation for our arduous service than an ordinary dry goods cierk."

"Then, you think that drug cierks are worked too hard?"

"Certainly I do. If the proprietors would appre-

"Then, you think that drug clerks are worked too hard?"

"Certainly I do. If the proprietors would appreciate that as we do and give us better hours, they, in return, would have better clerks."

"Does your employer expect you to prescribe over the counter?"

"Oh, no. But we are compelled to do it; so is he. If we dd not, all the applicant for a prescription would have to do is to yo to the next corner, and they would not it, and the result would be that the customers would never come back to us."

"Do you prescribe for all affections?"
"No, not as a general thing. If we do we only give some simple remedy that could do no harm, even if it did no good."

TOO MANY DRUG STORES.

did no good."

TOO MANY DRUG STORES.

"What is the cause, then, of so many mistakes being made in drug stores?"

"Well, you see, there are too many drug stores. Every man that teels inclined can start a drug store wherever he wishes. There is no law to regulate the business; each man does as he pleases and employs any one he chooses, all that is required being that they shall have graduated at the College of Pharmacy. Any boy of ordinary intelligence can go in a drug store, and in six months he will have learned enough to go down there, pay the price and go through a form of examination and get his diploma or certificate, whichever you please to call it."

"How would you do away with the superfluous drug stores?"

permits us to sell any poison we choose; all it requires is that we take the usine and address of the purchaser and what they say they wish to use it for. Of course, they can always invent some purpose that seems legitimate to us, when in reality they may wish to commit some crime. If we do not sell it the "boss" discharges ins, because he loses the money and customer and his neighbor gains them."

"Then you think that some law would do the drug trade good and protect the people's lives?"

"Yes, sir, I do. Let the Legislature pass laws regulating the keeping of drug stores and the sale of poisons, and force the employers to give their clerks a little less than aeventeen hours, and I think the people would have no cause for complaint. For now in the world can a man do such delicate work. If he does not get any sieep?"

As the clerk concluded the above remarks the proprietor entered the store and I took my departure.

The next knight of the scales I called upon was employed in a well known pharmacy near the Grand Central Depot. He was rather a facetious individual.

"How long have you been in the drug business, sirt" I asked him, as I ilt a cigar that I had purchased as an excase.

"About twenty years," he replied.

sir!" I asked him, as I lit a cigar that I had purchased as an excuse.
"About twenty years," he replied.
"Did you learn your profession in this country?"
"The orug business is not a profession, sir, it is a trade, the same as a themith. What I know of the trade I learned in Ireland."
"What do you think of the manner in which the business is conducted in this country?"
"The manner, as you call it, is good enough; it is the people that conduct the manner I find fault with."
"Why is that?"
"Because they are a poor race. They don't have any enjoyments that other people have; they are kept in the store from one year's end to another and would not know that 'Heil gate' had been blown up if somebody had not told them."

not know that 'Hell gate' had been blown up if some-body had not told them."

"Why is it that so many instakes are made in the drug stores in compounding prescriptions?"

"Well, you see druggails, as a rule, are a poor class of men. Any old thaker, cobbier or tailor that comes along and has got money enough can start a urug store. He will employ the clerk he can get for the least money; buy the clerk about \$10 a week, and expect him to work for sixteen or seventeen hours a day, and the consequence is the clerk hates him and don't care how he does his work."

"But I thought a druggist was compelled to pass an exammation before the College of Pharmacy?"

"Oh, anybody can do that after three or four months' reading and a good man to coach him."

"How do you account for all the mistakes that are made in "rug stores?"

"I don't think as many mistakes occur as people think. But I suppose that the greater number are made through carelessness. I haver snew of one to be made by a man that understoon his business."

"Then you do not think any are ever due to incompetency!"

"I don't know. A bottle washer might make one once in a wine, but then he always thinks he under-

ev?"
ion't know. A bottle washer might make one
in a while, but then he always thinks he under in a white, but then he always thinks he under, sine business," hat do you think of the opposition in the drug

"What do you think of the opposition in the drug trade?"

"The man that has got the most money always succeeds. Knowledge is nowhere; the people den't want it—they want the show. The larger show you can give them the more they are willing to pay for it. On Sigth avenue there are two drug shores, one on each corner. An analytical chemist keeps one and hardly does business enough to support him, and a man keeps the other that knows nothing about chemistry, but advertises largely and he is getting rich. In Canni street there is a man that lused to work for keeping a store, and he don't know any more about the business than that cat, and yet he is making money last."

"Then you do not approve of allowing every man the privilege of keeping a drug store?"

"Outriamly not; if such men are allowed to keep drug stores they will employ poor clerks—that is, clerks who part their hair in the middle and think they are expected to first with every girl, buby or woman that comes in the store—for as long as these clerks are employed just so long will people be killed by the Carelessness of drug clerks."

"CALLES" CLERES AT EIGHT DOLLARS A WEEK.

"Have you ever seen any such accident as that?"

"Why, to because I have. I saw a young girl once come in the store to some epsom salts and the jumor clerk watted on her. While he was gazing on her he took down the bottle of oxalic acid, which scood alongside the bottle containing the saits, and weighes the girl out the quantity of oxale acid, which scood alongside the bottle containing the saits, and weighes the girl out the quantity of oxale acid which scood alongside the bottle containing the saits, and weighes the girl out the quantity of oxale acid which scood alongside the bottle of oxalic acid, which scood alongside the bottle of oxalic a

agreed that if there was some law passed regulating the keeping of drug stores and the sale of poisons that there would be fewer "accidents" and not so many suicides. They all said that there was too much law for the clerks and too little for the proprietors; and if they were not compelled to work so long that they would be better able to attend to their business. That "bosses" would never give them better hours until they were compelled by law to do it. They said that no business made so much profit as the drug business, and that every man that had a lew dollars would start a store and endeavor to run some rival on the opposite corser out, and would take any means to accomplish his ends.

The writer found the drug clerks, as a rule, a very preasant and educated set of young men and could not help agreeing with them in the assertion that they doserve better treatment at the hands of their employers

BOUND FOR AUSTRALIA.

THREE HUNDRED AND SIXTY EMIGRANTS SAIL-

ING FOR NEW SOUTH WALES THIS MORNING. Emigration to Australia from the United States is no onger a novelty, but, on the contrary, appears to be growing in popularity among a large number of the working classes. The depression in business in America has been so great and of such long continuance that many people have become doubtful of any chance of improvement, at least for some years to come, and are making up their minds to seek new ficids for their fabor and enterprise where the competition will not be For some reason or other Australia is believed to afford better opportunities for obtaining steady work and good wages than any of settled countries within easy reach of Eastera ports, but it is probable also that with the preference for the Australian colonies. But, whatever the cause may be, the emigration to the antipodes is steadily on the increase. The ship Annie H. Smith, which sails at eight o'clock this morning for sydney, New South Wales, takes on board 360 passengers, mostly adults, who go to try their fortune under the Southern Cross. The great majority are young single men of the artisan class, but aimost every class of labor is reprisented among them. There are eighty married couples. The passengers are almost exclusively Irish, and are mostly from the couptry or the smaller towns. All are comfortably clad and very strong and healthy in appearance. The mate remarked yesterday to a Herald reporter that he had never seen a more healthy lot of passengers during many years' experience of emigrant ships running from England to Australia and New Zenland.

Though leaving America on account, as they said, of the hard times, low of them seemed to be in stratened circumstances, and nearly all were evidently possessed of a sufficient supply of money to enable them to live some time after reaching their destination. All had high hopes of the prospect before them and seemed to think they were doing the fight thing in leaving the United States "io make a little room," as one young fellow laughingly said.

"This country is gon' from bad to worse ever since the war," said a bronzed veteran with strong Milesian accent, "and it's gone to the divil catirity now. Four years more 'll swamp it up, and there'll be no show for a workin' man at all."

"I brought £4,000 here," said another son of the Emerald Isie, who evidently should have remained on the old sod, "an' I'm lavin' it now without 405 ha'pence—ay, hardly a sereed of a shirt to cover my back."

All yesterday evening passengers kept arriving, and the scene on pier No. 9 East River was quite animated, Trunks and bundles of all kinds were being havied on board. Beds, blankers, tims and all the necessaries of a long voyage were being bought, and some of the tailors' stores in the vicianty were largely patronized.

"As bad as the country is," said a tail, strapping young fellow, "I don' want to make it ashamed or me whin I go undher the rar agazin, an' I may as well pat a dacent cost gers, mostly adults, who go to try their fortune under the Southern Cross. The great majority are young

THE FREE BATHS.

NEWS THAT WILL REJOICE THE STREET ABAB-SIX FLOATING BATHS TO BE OPEN DURING THE SUMMER.

It will be joyful news to the vast multitude of the "great unwashed" in New York that no less than six free floating baths will be open during the coming summer. For years the complaints as to the insuffiall those interested in the public health that this urwhich were new, were not finished until the

which were new, were not finished until the fage-end of the season, so that thousands and thousands of bathers had to be restricted to the two old baths at the foot of Bethune street, North River, and at the feet of Fifth strees, East River. Two additional baths having been completed we have now six, which will probably be found sufficient for the present. They are to be opened on June 1 and closed on the 10th of October. Their precise situation has not yet been determined by the Commissioner of Public Works, and will not be for some weeks yet. It may be generally stated, however, that it is the intention of the Commissioner to place four on the east side on account of its greater populousness, and two on the west side. The vicinity of the Fution Ferry, Gouveneur street, Fifth street and Hariem are the places suggested for the East River, and Bethune and come other street not yet fixed upon for the North River. As the Commissioner, however, has to make application to the Department of Decks for pe mission to locate the baths, and as that Department will probably be guided by its own supreme convenience in the matter, nothing definite can be said as to their prospective situations. The four new baths have cost nearly \$25,000, or about \$6,000 each.

A MILLION RATHERS LAST SUMMER.

The old baths being situated at the foot of Bethune street, North River, and at the foot of Guiverneur street, East River, and at the foot of Guiverneur street, East River, and at the foot of Guiverneur street, East River, and at the foot of Guiverneur street, East River, and at the foot of Guiverneur street, East River, and at the foot of Guiverneur street, East River, and at the foot of Guiverneur street, East River, and at the two new establishments during the lew weeks they were open. Here is a total of nearly a million at the street, 40,000 at First street and about 141,000 at the two new establishments during the lew weeks they were open. Here is a total of nearly a million bathers. Can any one calimate the amount of pleasure, com

FERRY LEASES.

THE METHOD OF SELLING FRANCHISES-REFORMS CALLED FOR.

The system of selling ferry leases gives considerable trouble to the city authorities. The manner in which the treasury is deprived of hungreds of thousands of dollars annually through the sharp practices of the different companies has been frequently explained in the

dollars annually through the sharp practices of the dispenses enough to support him, and a man keeps the other that knows nothing about chemistry, but advertises largely and he is getting rich. In Canal street there is a man that I used to work for keeping a store, and he don't know any more about the business than that cat, and yet he is making money last."

"Then you do not approve of allowing every man the privilege of keeping a drug store?"

"Cortainly not; if such men are allowed to keep drug store they will emptoy poor clerks—that is, clerks who part their hair in the middle and think they are expected to first win every girl, budy or woman that comes in the store—for as long as these cierks are employed just so long will people be killed by the Carlesses of drug clerks."

"Galles" clerks at mont bollans a week. "Have you ever seen any such accident as that?"

"Why, to becare I have. I saw a young girl once come in the store for some epsom sale and the junior cerk waited on her. While he was gazing on her he took down the bottle of oxalic and, which stood alongs side the bottle containing the salis, and weighen the girl out the quantily of oxalic and, which stood alongs and the bottle containing the salis, and weighen the girl out the quantily of oxalic and in the store were love with him."

"Well, you can bet we didn't have him long after that. He was a pretty good cierk, only he was too 'gallas,' you know, and and ways thought that the women who came the second time to the store were love with him."

As the writer left the store he offered a silent prayer that his druggist would never keep a "gallus" cierk. The boss in the cask cere referred to took him because he only had to pay him \$5 a week.

Several other ciecks were vested, who are employed on Broadway and the leading avenues, and that all and the complete store were long to the store were long to the companies of the surface of t